



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ralf Dunkel *et al.*

Appl. No.: 10/532, 529

Filed: August 23, 2005

For: THIAZOLE (BI) CYCLO-
ALKYLCARBOXANILIDES

Confirmation No.: 5968

Art Unit: 1626

Examiner: Michael P Barker

Atty. Docket: CS-848/LeA 36186

Declaration of Peter Dahmen Under 37 C.F.R. §1.132

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, Peter Dahmen, of Altebrücker Str. 61, 41470 Neuss, Germany, a citizen
of Germany, hereby declare:

1. that I am a biologist having studied at the University of Bonn, Germany;
2. that I received the degree of Dr. agr. at the University of Bonn, Germany;
3. that I entered the employ of Bayer Aktiengesellschaft, Leverkusen, in
1991, where I have been employed in the department of Biology Herbicides, that after
the spin-off from Bayer CropScience AG I am now employee of this company in the
department of Global Biology Fungicides;
4. that I have specialized in the field of fungicide research;
5. that the following tests have been carried out under my supervision and
control.

- Example

Fusarium nivale (var. *majus*) test (wheat) / preventive

Solvent: 50 parts by weight of N,N-Dimethylacetamid

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound or active compound combination is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are sprayed with a conidia suspension of *Fusarium nivale* (var. *majus*).

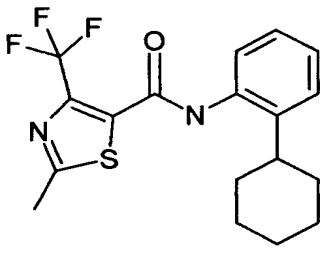
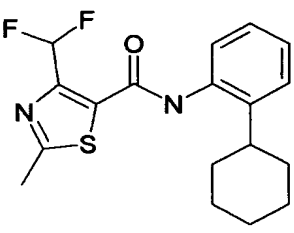
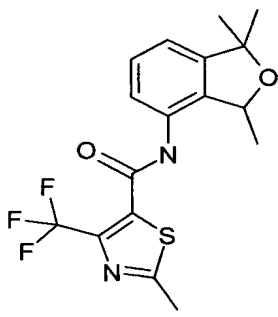
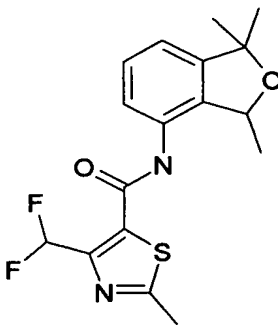
The plants are placed in a greenhouse under translucent incubation cloches at a temperature of approximately 15°C and a relative atmospheric humidity of approximately 100%.

The test is evaluated 5 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

The table below clearly shows that the observed activity of the active compound combination according to the invention is greater than the calculated activity, i.e. a synergistic effect is present.

Table

Fusarium nivale (var. *majus*) test (wheat) / preventive

Active compound		Rate of application of active compound in ppm	Efficacy in %
<u>known:</u>		500	50
<u>according to invention:</u> Ex 1		500	88
<u>known:</u>		500	71
<u>according to invention:</u> Ex 25		500	86

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Monheim, Germany,

April 29, 2008
April 29, 2008

Peter Dahmen
Dr. Peter Dahmen

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